

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.10511 of 2009

ORDER:

Heard Mr Ch. Dhanamjaya for petitioner and the learned Assistant Government Pleader for Medical and Health.

The petitioner is fairly successful in enjoying more than what he claimed while by filing the writ petition.

The subject matter of the writ petition is a shop measuring 8"x10" in Government General Hospital, Kakinada. The counsel for petitioner having regard to the changed circumstances and also the pleadings does not press for the writ prayer.

The respondents allege that the petitioner is in arrears of rent amounting to Rs.1,68,893/-. Pursuant to the observation by this Court, to prove bonafides, the petitioner tenders D.D.No.004852 standing in the name of respondent No.2. The Assistant Government Pleader without prejudice to rights, contentions and remedies available against all the arrears, acknowledges the DD and accordingly handed over to him in Court.

The 1st and 2nd respondents are directed to take up forthwith tender process for auctioning the subject shop

and the process shall be completed within two (02) months from today. The petitioner subject to payment of rent is allowed to remain in possession and enjoyment for a period of two (02) months or till a successful tenderer is finalized and proceedings is issued, whichever is earlier. The petitioner, it is made clear shall not offer resistance to deliver possession to 2nd respondent after tender process is finalized.

Petitioner is permitted to participate in the tender, subject to finalizing and paying arrears.

The writ petition is accordingly disposed of. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.



S. V. BHATT, J

Dt: 10.10.2017
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